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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Shiho Wang et al.	Group Art Unit 1712
Appl. No.	:	09/974,725	
Filed	:	October 9, 2001	
For	:	SOL-GEL PROCESS UTILIZING REDUCED MIXING TEMPERATURES	
Examiner	:	Richard D. Lovering	

TERMINAL DISCLAIMER

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 3.73(b), Petitioner, SIMAX TECHNOLOGIES, INC., a California corporation, represents that it is the Assignee of the entire right, title and interest in the above-captioned patent application by virtue of an assignment from the inventors, Shiho Wang, Yasar Halefoglul, Chih-hsing Cheng, Dengfeng Xu, David Kwong Nung Chan, Meng-ying Chen, and Chinh Do of the patent application identified above. The assignment of the above-captioned application was conveyed in an assignment document which was filed with the U.S. Patent and Trademark Office, recorded at Reel 012361, Frame 0938.

U.S. Patent Application Serial No. 10/117,921, filed April 5, 2002 is a continuation-in-part application of the above-captioned patent application. Petitioner also represents that it is the Assignee of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/117,921 by virtue of assignment from the inventors, Shiho Wang, Yasar Halefoglul, Chih-hsing Cheng, Dengfeng Xu, David Kwong Nung Chan, Meng-ying Chen, and Chinh Do. The assignment of U.S. Patent Application Serial No. 10/117,921 was conveyed to Petitioner in an assignment

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document which was filed with the U.S. Patent and Trademark Office, recorded at Reel 012980, Frame 0358.

Petitioner hereby disclaims, except as noted below, the terminal portion of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of a patent granted on U.S. Patent Application Serial No. 10/117,921, and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that legal title to said patent shall be the same as legal title to the patent granted on U.S. Patent Application Serial No. 10/117,921. This agreement extends to any patent granted on the above-captioned application, and binds Petitioner's successors and assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of the patent granted on U.S. Patent Application Serial No. 10/117,921, as presently shortened by any terminal disclaimer, in the event that the patent granted on U.S. Patent Application Serial No. 10/117,921, later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all its claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned representative verifies that he is authorized to take this action on behalf of Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/10/03

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